

**Notice of Allowability**

Application No.

09/520,404

Applicant(s)

MARTINEK ET AL.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to filed on August 24, 2004.
2. ☒ The allowed claim(s) is/are 1,4-20,21,24-32,39.
3. ☒ The drawings filed on 15 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date April 5, 2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

CSL  
4/5/05

## NOTICE OF ALLOWANCE

### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Hull on April 5, 2005.

The application has been amended as follows:

- In claim 1: on line 5, before –controller-, insert “computerized game”;  
on line 5, after [wagering game], insert “apparatus”;  
on line 6, delete [game data] and replace with “game program”;  
on line 7, delete [game data] and replace with “game program”;  
on line 8, after [wagering game], insert “apparatus”;  
on line 9, after [produce], delete “and”;  
on line 11, after [wagering game], insert “apparatus”; and  
on line 12, delete [game data] and replace with “game program”
- In claim 4: on line 1, delete [claim 2] and replace with “claim 1”; and  
on line 2, delete [system] and replace with “apparatus”
- In claim 5: on line 1, delete [claim 2] and replace with “claim 2”
- In claim 6: on line 1, delete [system] and replace with “apparatus”; and

Art Unit: 2131

on line 3, delete [game data] and replace with "game programs"

In claim 7: on line 2, delete [game data] and replace with "game program";

on line 3, delete [data] and replace with "game program"

In claim 8: on line 2, delete [data]

In claim 10: on line 3, delete [data]

In claim 12: on line 2, delete [data]; and

on line 4, delete [data]

In claim 14: on line 2, delete [an IBM] and replace with "a"

In claim 16: on line 4, before –apparatus-, insert "computerized wagering  
game";

on line 5, before –apparatus-, insert "computerized wagering  
game";

on line 6, before -data-, insert "game";

on line 9, before -data-, insert "game"; and

on line 12, after [wagering game], insert "apparatus"

In claim 17: on line 2, before -data-, insert "game"

In claim 18: on line 1, before -data-, insert "game"; and

on line 3, after [wagering game], insert "apparatus"

In claim 19: on line 1, before -data-, insert "game"; and

on line 3, after [wagering game], insert "apparatus"

In claim 20: on line 1, before -data-, insert "game";

on line 2, before -data-, insert "game"; and

on line 2, after [wagering game], insert "apparatus"

In claim 24: on line 2, after [wagering game], insert "apparatus"

In claim 25: on line 2, before -data-, insert "game"; and  
on line 3, before -data-, insert "game"

In claim 26: on line 1, before -data-, insert "game"; and  
on line 2, before -data-, insert "game"

In claim 28: on line 1, before -data-, insert "game"; and  
on line 3, before -data-, insert "game"

In claim 31: on line 2, delete [an IBM] and replace with "a"

In claim 32: on line 2, before -data-, insert "game"; and  
on line 3, before -data-, insert "game"

In claim 39: on line 5, after -wagering game-, insert "apparatus";  
on line 10, before -signature-, insert "gaming program code";  
on line 18, before -game controller-, insert "computerized"; and  
on line 19, after -game-, insert "apparatus"

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

As per claims 1 and 16, it was not found to be taught in the prior art of hashing game data/program to produce a resulting hash value and comparing that against a reference hash value using a continuously executing thread during play/execution of a

computerized wagering game apparatus to ensure that the game data/program has not changed since calculation of the reference hash value.

As per claim 39, it was not found to be taught in the prior art of generating a message digest from the gaming program code and comparing the message digest with a gaming program code signature to verify that they are identical wherein the authentication program is continuously executing by a continuously executing program thread executing during play of the computerized wagering game apparatus.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jackson, US 2003/0203756 is a related teaching by the applicant.

Jackson, US 2003/0203755 is a related teaching by the applicant.

Gazdic et al, US 2003/0195033 discloses of game software authentication that verifies a message digest using a continuous run time process.

Jackson et al, US 2003/0014639 is a related teaching by the applicant.


Jackson et al, US 2002/0049909 is a related teaching by the applicant.

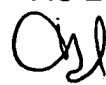
The Colvin patents disclose of a continuous password authentication process applied to licensed software where the user needs to obtain a new password in order to continue usage of the licensed software.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
  
April 5, 2005

Christopher Revak  
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4/5/05